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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,784	04/13/2001	Aprile L. Pilon	116142-00062	9471
31013	7590	10/02/2003	EXAMINER	
KRAMER LEVIN NAFTALIS & FRANKEL LLP INTELLECTUAL PROPERTY DEPARTMENT 919 THIRD AVENUE NEW YORK, NY 10022			ROMEO, DAVID S	
			ART UNIT	PAPER NUMBER
			1647	

DATE MAILED: 10/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Applicati n No.</b> 09/835,784	<b>Applicant(s)</b> PILON ET AL.	
	<b>Examiner</b> David Romeo	<b>Art Unit</b> 1647	

**-- Th MAILING DATE of this communication appears on the cov r sh et with th correspondenc address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☐ Responsive to communication(s) filed on \_\_\_\_ .

2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1-184 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_ is/are allowed.

6) ☐ Claim(s) \_\_\_\_ is/are rejected.

7) ☐ Claim(s) \_\_\_\_ is/are objected to.

8) ☒ Claim(s) 1-184 are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All   b) ☐ Some \* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_ .

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ .	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ . 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: ____ .
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## **DETAILED ACTION**

### ***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-5, drawn to a method of inhibiting an LPS-dependent inflammatory process, classified in class 424, subclass 9.1.
- II. Claims 6-7, 13-14, 23-24, 31-32, 42-43, 51-52, 60-61, 69-70, 78-79, 89-90, 98-99, 107-108, 116-117, 123-124, 126-127, 129-130, 132-133, 135-136, and 138-139, drawn to a composition comprising recombinant human uteroglobin, classified in class 530, subclass 380.
- III. Claims 8-12, drawn to a method of decreasing TNS-alpha concentrations in vivo, classified in class 424, subclass 9.1.
- IV. Claims 15-22, drawn to a method of regulating the nitric oxide pathway for relaxing smooth muscle cells, classified in class 424, subclass 9.1.
- V. Claims 25-30, drawn to a method of regulating vascular permeability in a patient, classified in class 424, subclass 9.1.
- VI. Claims 33-41, 44-50, 53-59, 62-69, and 71-77, drawn to a method of suppressing proliferation and activation of CD71-positive cells, classified in class 424, subclass 9.1.
- VII. Claims 80-88, 91-97, 100-106, and 109-115 drawn to a method of enhancing proliferation and activation of CD11b-positive cells, classified in class 424, subclass 9.1.
- VIII. Claims 118-122, 125, 128, 131, 134, and 137, drawn to a method of inhibiting migration of vascular endothelial cells and angiogenesis, classified in class 424, subclass 9.1.
- IX. Claims 140-154 and 161-169, drawn to a method of regulating signal transduction in uteroglobin-responsive cells, wherein said signal transduction is mediated by CD148 and CD148 immunoreactive proteins, classified in class 424, subclass 9.1.
- X. Claims 155-160, drawn to a method of regulating signal transduction in uteroglobin-responsive cells wherein said signal transduction is mediated by

PLA2 receptors and PLA2 immunoreactive proteins, classified in class 424, subclass 9.1.

- XI. Claims 170-184, drawn to a method of identifying proteins that interact with each other, classified in class 435, subclass 7.1.

The inventions are distinct, each from the other because of the following reasons:

Groups I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case, the compositions of Group II can be used in a variety of methods such as ligand binding assays or other diagnostic assays. Group I is distinct from Groups III-X because the methods are drawn to different conditions and thus have different goals and different outcome measures. Group I is not related to Group XI. The methods require different reagents and different method steps, and have different goals and different outcome measures.

Group II is related to Groups III-X as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case, the compositions of Group II can be used in a variety of methods such as ligand binding assays or other diagnostic assays. Group II is not related to Group XI. The compositions of Group II cannot be used in the method of Group XI.

Group III is distinct from Groups IV-X because the methods are drawn to different conditions and thus have different goals and different outcome measures. Group III is not related to Group XI. The methods require different reagents and different method steps, and have different goals and different outcome measures.

Group IV is distinct from Groups V-X because the methods are drawn to different conditions and thus have different goals and different outcome measures. Group IV is not

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related to Group XI. The methods require different reagents and different method steps, and have different goals and different outcome measures.

Group V is distinct from Groups VI-X because the methods are drawn to different conditions and thus have different goals and different outcome measures. Group V is not related to Group XI. The methods require different reagents and different method steps, and have different goals and different outcome measures.

Group VI is distinct from Groups VII-X because the methods are drawn to different conditions and thus have different goals and different outcome measures. Group VI is not related to Group XI. The methods require different reagents and different method steps, and have different goals and different outcome measures.

Group VII is distinct from Groups VIII-X because the methods are drawn to different conditions and thus have different goals and different outcome measures. Group VII is not related to Group XI. The methods require different reagents and different method steps, and have different goals and different outcome measures.

Group VIII is distinct from Groups IX-X because the methods are drawn to different conditions and thus have different goals and different outcome measures. Group VIII is not related to Group XI. The methods require different reagents and different method steps, and have different goals and different outcome measures.

Group IX is distinct from Group X because the methods are drawn to different conditions and thus have different goals and different outcome measures. Group IX is not related to Group XI. The methods require different reagents and different method steps, and have different goals and different outcome measures.

Group X is not related to Group XI. The methods require different reagents and different method steps, and have different goals and different outcome measures.

*Gary L. Kunz*  
**GARY KUNZ**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 1600**

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Because these inventions are distinct and/or unrelated for the reasons given above and have acquired a separate status in the art as shown by their different classification, and the searches required for the different groups are dissimilar from each other, restriction for examination purposes as indicated is proper.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### ***Claim Objections***

Applicants should note that the dependency in claims 2-5 is incorrect. Claims 2-5 are dependent on claim 84, however it appears that they are meant to be dependent on claim 1. Claims 2-5 should be amended to correct the dependency.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Romeo whose telephone number is (703) 305-4050. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Kunz can be reached on (703) 308-4623. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

RBK